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Attorneys for Defendant  
APPLE INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

DEBORAH J. VAIL,  
on behalf of themselves and  
those similarly situated,

Plaintiff,

v.

APPLE INC.,

Defendant.

Case No. C-09-01649 JF

**STIPULATION AND  
{PROPOSED} ORDER  
CHANGING DATE FOR CASE  
MANAGEMENT CONFERENCE**

Pursuant to Civil Local Rules 6-2 and 7-12, the parties, by and through their respective counsel, hereby stipulate as follows:

WHEREAS, a Case Management Conference is currently scheduled for August 21, 2009;

WHEREAS, the hearing on Apple's Motion to Dismiss is set for August 14, 2009;

WHEREAS, the hearing on Apple's Motion to Dismiss and the initial Case Management Conference in the related case *Berenblat, et al. v. Apple, Inc.*, No. C-08-04969 JF, are also set for August 14, 2009;

WHEREAS, the parties believe it would be more efficient to hold the Case Management Conference in this case concurrently with the hearing on Apple's motions and with the Case Management Conference in *Berenblat*;

WHEREAS, the continuance will not have an effect on the schedule for the case;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, SUBJECT TO THE APPROVAL OF THE COURT:

1. The Case Management Conference is moved to August 14, 2009.

Dated: June 30, 2009

MORRISON & FOERSTER LLP

By: /s/ Penelope A. Preovolos  
Penelope A. Preovolos

Attorneys for Defendant  
APPLE INC.

Dated: June 30, 2009

GIRARD GIBBS LLP

By: /s/ Eric H. Gibbs  
Eric H. Gibbs

Attorneys for Plaintiff  
DEBORAH VAIL

I, Penelope A. Preovolos, am the ECF User whose ID and password are being used to file this Stipulation. In compliance with General Order 45, section X.B., I hereby attest that I have on file the concurrences for any signatures indicated by a "conformed" signature (/s/) within this efiled document.

By: /s/ Penelope A. Preovolos  
Penelope A. Preovolos

**PROPOSED ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: July 1, 2009

  
The Honorable Jeremy Fogel  
United States District Judge

**CERTIFICATE OF SERVICE BY MAIL**

(Fed. R. Civ. Proc. rule 5(b))

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 425 Market Street, San Francisco, California 94105-2482; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with Morrison & Foerster's practice for collection and processing of correspondence for mailing with the United States Postal Service and know that in the ordinary course of Morrison & Foerster's business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at Morrison & Foerster with postage thereon fully prepaid for collection and mailing.

I further declare that on the date hereof I served a copy of:

**STIPULATION AND [PROPOSED] ORDER CHANGING  
DATE FOR CASE MANAGEMENT CONFERENCE**

on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at Morrison & Foerster LLP, 425 Market Street, San Francisco, California 94105-2482, in accordance with Morrison & Foerster's ordinary business practices:

Douglass J. McNamara  
Cohen Mistein Hausfeld & Toll PLLC  
1100 New York Avenue, Suite 500  
Washington D.C. 20005-3964

I declare under penalty of perjury that the above is true and correct.

Executed at San Francisco, California, this 30th day of June, 2009.

Mia R. Gimenez

(typed)

/s/ Mia Gimenez

(signature)

**ATTESTATION OF E-FILED SIGNATURE**

I, Penelope A. Preovolos, am the ECF User whose ID and password are being used to file this Certificate of Service. In compliance with General Order 45, X.B., I hereby attest that Mia Gimenez has read and approved this Certificate of Service and consents to its filing in this action.

Dated: June 30, 2009.

MORRISON & FOERSTER LLP

/s/ Penelope A. Preovolos

Penelope A. Preovolos